

Medway Council
Planning Committee
Wednesday, 14 December 2022
6.30pm to 10.35pm

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, Potter, Chrissy Stamp, Thorne and Tranter
- Substitutes:** Councillors:
Opara (Substitute for Carr)
Van Dyke (Substitute for McDonald)
- In Attendance:** Melvin Andrews, Highways Consultant
Duncan Berntsen, Senior Urban Design Officer
Stephanie Davis, Democratic Services Officer
Councillor Gary Etheridge
Joanna Horne, Planning Solicitor
Dave Harris, Head of Planning
Wendy Simpson, Senior Planner

460 Apologies for absence

Apologies for absence were received from Councillors Carr, McDonald and Prenter.

461 Record of meeting

The record of the meeting held on 16 November 2022 was agreed and signed by the Chairman as correct.

462 Urgent matters by reason of special circumstances

There were none.

Chairman's announcements

The Chairman informed the Committee that planning applications MC/22/2302 and MC/21/3587 were deferred.

463 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Buckwell referred to application MC/22/1079 Cooling and Cow Marshes which are located to the north of Cliffe Village on the Hoo Peninsula and advised on behalf of all Members of the Conservative Group on the Committee that the applicant was a member of the same political party, therefore, they would leave the meeting for the consideration and determination of this application.

Other interests

Councillor Potter referred to application MC/22/1474 Land south of Lower Rainham Road, Rainham, Gillingham, Medway and advised that he had campaigned against the development, therefore he would not take part in the debate or determination of the application but would speak as Ward Councillor.

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

Discussion:

The Head of Planning outlined the application in detail which was for a mixed-use development comprising residential units (Class C3) and commercial floorspace (Class E) together with vehicular access off Bardell Terrace, vehicle (including on site and on street spaces) and cycle parking provision, private amenity space, landscaping, engineering works, public realm, and associated works. Highway works to the junction of Corporation Street and High Street and alterations to pedestrian crossing - demolition of all buildings on site.

An excerpt was read out from the letter from Historic England whom although objected to the application commented that '*whilst we conclude that there would be harm to heritage including the Rochester conservation area, the Star Hill to Sun Pier conservation area, Rochester Castle, and Rochester Cathedral. We continue to believe that this would be a low level of harm.*' The Head of Planning said it was important to note this comment as if they had said that this application would be of a high level of harm, approval of this application would not be recommended.

The Senior Urban Design Officer went through the design of the development in detail.

The Committee discussed the application and a Member drew attention to whether the proposed alterations to the crossing would satisfactorily address

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current concerns regarding manoeuvring across the junction safely for pedestrians and cyclists difficult. The proposed development included an increase in the number of properties from the previous plans of approximately 27% more residents which would mean more pedestrian movement across the junction.

The Highways Consultant added that as part of S278 agreement, developers should commission an independent auditor to review safety implications and any safety requirements would need to be implemented as part of that process.

Concerns were raised regarding the lack of S106 developer contributions, and the Head of Planning clarified that whilst the desire for S106 contribution was understood, this scheme was not viable for S106 obligations. They had however been successful in securing 10% affordable homes. Discussions would continue to take place with the developer on any improvements that could be realised as part of the scheme for the local community.

The lack of zero carbon development in a high-profile central location as proposed which could be achievable but missing in this development was described as disappointing by a member, despite the effort made by the developer, which was recognised, in the improvement made to the design of the development.

It was suggested and agreed for a deferral of the decision to allow for the Committee to meet with the Highways Teams on site to discuss what and if any further improvements could be made to the proposed changes to the crossing of the junction.

Decision:

Consideration of the application be deferred pending a meeting with the Highways Team to discuss the situation with Star Hill and the road crossing.

465 Planning application - MC/22/2241 Rochester Riverside, Rochester, ME1 1NH

Discussion:

The Head of Planning outlined the application in detail which requested for removal of condition 13 which related to the provision of a footbridge across Corys Creek) on planning permission MC/19/2812 (original ref no: MC/17/2333). The applicant, supported by comments from the Environment Agency, felt that having a bridge at this location would impact ecology.

The Head of Planning felt that it was appropriate for the condition to be removed subject to an equivalent S106 contribution that would be received being used towards another community facility such as Rochester Pier.

It was proposed that the decision for approval under the terms of S106 funds be specific that it be used in supporting and maintaining public river access

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Decision:

Approved subject to:

- A. Subject to the applicants entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution the equivalent of the cost of the previously approved footbridge across Cory's Creek, to be used directly in supporting and maintaining public river access.
- B. Conditions 1 to 58 as set out in the report for the reasons stated in the report.

466 Planning application - MC/22/1474 Land south of Lower Rainham Road, Rainham, Gillingham, Medway

Discussion:

The Senior Planner outlined the application in detail for outline planning permission for 202 dwellings. This planning application was a reserved matters application.

In relation to the recommendation for approval, officers were minded that the ecology matters needed to be retained as part of the resolution whereas the requirement in relation to drainage could be deleted, changes were made to the conditions to ensure the conditions follow through from the outline permission.

Correspondence had been received from McCullocks who were happy with the drainage proposals and had submitted a S73 application on their site, Bakersfield Phase 2 A so that the two drainage systems would co-ordinate. The Lead Local Flood Authority had reviewed the application and agreed in principle with the drainage approach.

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

- This was an application which he opposed due to the highways impact.
- The size of the development and impact on local services was a concern.
- The detail around the impact of the development on neighbouring dwellings that was clarified by the officer was welcomed.
- Historical issues with flooding in the area, with a big soakaway from Parkwood to the Motley Hill area and if Members were minded approving, Members should be kept up to date with drainage proposals prior to implementation.
- Concern regarding HGVs accessing the site and the impact this would have on the narrow section on Station Road. There was a school in the vicinity of the road that the HGVs would have to use to access the site, and this meant that robust co-ordination was needed between the developer and the school on safety and avoidance of traffic.

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- Pedestrian and vehicle access was proposed to be linked through Bakersfield and Bloomfield Estate, but the road system of Bloomfield was like an extension of a big driveway. The proposals to connect the two would be through a parking court and was not acceptable to have a through route through a parking court.
- Pedestrian cycle access was not secure.
- Members should defer this application to visit the site to review the through route through a parking court.

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

The Committee discussed the application in detail and a Member drew attention to the issues with eastern pedestrian access and the safety of children walking to the school. Once this development was built there would be no path or open space for young people to pass through to their school as both the primary school and senior school pupils had to walk east to access their schools.

It was commented that the S106 stated £300k payment for open space, with £194k for Splashes, the Council had secured a considerable sum for the Splashes development and the £194k should be spent in the local community or for Riverside Country Park which would receive more pressure from this development in the coming years. The Head of Planning said that this was previously agreed as part of the original application and would make enquiries as to whether it was still required.

A Member commented that by granting planning permission for the 10 Acre Way development, Swale Council had allowed development rights on the boundary of Medway and it was disappointing that they would then not allow the walk through when a lot of children from Swale would also benefit as they attended the local school that was located on the boundary. It was important to note that whatever decision was made in relation to this application, the land was earmarked for development.

The Head of Planning responded to some of the comments made by saying that:

- Members would be kept up to date with progress regarding drainage.
- The routing and times relating to use of HGVs would be covered under the construction environmental management plan and all would be done to ensure minimum impact on school times.
- It was previously agreed by the Committee, the importance of western most access through Broomfield. The approach taken in configuration of the access point of this site was to ensure that traffic would be slowed down. Passing of traffic through the parking court would encourage drivers to slow down and drive more carefully.

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Decision:

Approved subject to:

- A. The ecological matters being acceptable. Delegated authority to apply additional conditions related to these matters as required.
- B. Conditions 1 to 9 as set out in the report for the reasons stated in the report, **add** condition 10 as set out below and 3 additional conditions (11, 12 and 13) to secure amended plans re roof plan for houses on western boundary; removal of PD rights for all dwellings around perimeter of the site and securing delivery of vehicular access through to Bloomfields development:
- 10 Within 6 months of construction commencing an ecological enhancement and management plan for the whole site must be submitted to and agreed in writing with the Local Planning Authority. The plan must include the following information:
- Site plan clearly showing the management areas
 - Details of what management is required
 - Timings and frequency of the management
 - Details of ecological enhancements to be incorporated into the site.
 - Details of management plan reviews
 - Details of who will be carrying out the management.

The works must be implemented as detailed within the agreed plan and no dwellings shall be occupied within any phase or subphase until the agreed enhancement works within that phase or sub phase have been completed.

Reason: To accord with paragraph 180 of the National Planning Policy Framework 2021.

467 Planning application - MC/22/1079 Cooling and Cow Marshes are located to the north of Cliffe Village on the Hoo Peninsula. Cooling Marsh is directly south of the Thames Estuary Sea Wall, to the west of the New Managed Realignment Salt Fleet Flats

Discussion:

Appointment of Chair – nomination received from Councillor Curry and seconded by Councillor Howcroft-Scott for Councillor Hubbard to Chair this item. Councillor Hubbard was appointed as Chairman for this item.

The Senior Planner outlined the application in detail for wetland habitat restoration/enhancement comprising of engineering works to enhance the in-field topography and disconnect from the existing landscape drainage system.

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The Committee discussed the application and a Member commented that the Royal Society for Protection of Birds could be trusted to deliver a good scheme. The landscape would improve habitat for birds in the vicinity and bring biodiversity to the area.

Decision:

Approved with conditions 1, 2, 4 and 5 as set out in the report for the reasons stated in the report with condition 3 amended as follows:

3. The development shall take place in accordance with the details of the 'Construction Environmental Management Plan (Biodiversity) KWCA Cow Marshes' (RSPB, undated) and 'Habitat Establishment Plan' (RSPB, undated) received 18 November 2022.

Reason: To ensure the establishment of the habitat creation works is successful and to the works do not breach wildlife legislation and are carried out at the correct time of year, to comply with Policies BNE38 and BNE39 of the Medway Local Plan 2003 and paragraph 174 of the NPPF.

468 Planning application - MC/22/1713 Land south of View Road, Cliffe, Medway, ME3 8UE

Discussion:

The Head of Planning outlined the application in detail for the construction of 50 retirement homes comprising of 42 apartments and 8 bungalows with communal facilities, electric scooter store and management offices with associated parking, landscape improvements and on-site allotments.

In 2019 the application was refused due to layout, inadequate landscaping, lack of privacy and no sustainable urban drainage system. In 2021 following amendments, the application was refused due to landscaping, loss of amenities due to overlooking and landscaping and no application buffer in terms of Site of Special Scientific Interest (SSSI). On appeal the application was dismissed as the proposed landscape was found to be inadequate, inappropriate drainage system and loss of privacy.

This was not a reserved matters applications as the original outline approval allowed on appeal had lapsed.

With the agreement of the Committee, the Head of Planning read out a statement by Councillor Etheridge as Ward Councillor which raised the following concerns:

- The design was unacceptable due to size and overlooking neighbouring homes.
- The proposals were out of character with the area and should be completely redesigned.

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- There was a lack of parking spaces which would cause congestion on adjoining roads.
- The area suffered from a reduced timetable which means there would be increased reliance on car use.
- Biodiversity had not been completed and submitted
- Lack of consideration given to the views of the residents
- Lack of consideration given to the impact on landscape and climate change
- S106 allocation of funds to Strood town centre which would be of no use to the residents who will not visit Strood.

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

Some Members agreed with the views of the local Councillor and that the location of the site was not appropriate for the development, it was too far from the town centre and those needing services would have to drive due to a lack of public transport which was not good for the climate. There was limited investment in infrastructure.

Some Members agreed on the need for housing of this type and why this location would appeal to people. The detail of this application was a vast improvement from the previous application. There could be people that were already living in the vicinity that would welcome the opportunity to be able to downsize and remain in the village.

Decision:

Approved subject to:

- A. Notifying Natural England of the intention to approve.
- B. Section 106 agreement to secure the following:
 - i. To pay the Council their reasonable costs in making the Traffic Regulation Order for the provision of yellow lines and signage for waiting restrictions on View Road, Cliffe Woods.
 - ii. To allocate 12 units from the total number of proposed housing units within the Development to be sold at Discounted Market Value. All subsequent transfers of ownership of these 12 housing units shall be at Discounted Market Value.
 - iii. The implementation and ongoing management and monitoring of a 'no cat policy' for the lifetime of the development.

Financial contributions as follows:

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- iv. £12,250 towards public realm improvements to assist with the development of improved civic space and gateways to Strood town centre (greening projects, bollards, and signage).
- v. £9,277.50 towards improvements to library provision in the area and the mobile library visiting the vicinity of the site.
- vi. £9,721 For the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- vii. £35,523 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.
- viii. £10,293.50 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- ix. £13,794 towards Designated Habitats Mitigation.

C. Conditions 1-28 as set out in the report for the reasons stated in the report.

469 Planning application - MC/22/1603 Pacadar Cement Casting, Thamesport, Grain Road, Isle of Grain

Discussion:

The Head of Planning outlined the application in detail for the construction of a warehouse building (Class B2 - General Industrial).

Two objections were received, one in relation to dust which had been independently reviewed and the conclusion was that there would be no dust creating operations. Detail of the review was set out in page 175 of the report. The other objection was in relation to highways and use of the bridge. The developers' contract for cement mouldings enabled them to use the rail which reduced the use of HGV's. Additionally, many of the raw materials would be and were being transported using the river.

Decision:

Approved with conditions 1 – 9 as set out in the report for the reasons stated in the report.

470 Planning application - MC/20/2979 Land to the north of 2 Farm Cottages, Lodge Hill Lane, Chattenden, Rochester

Discussion:

The Head of Planning outlined the application in detail for the demolition of existing structures and erection of 9 No. residential dwellings. Formalisation of the existing access from Lodge Hill Lane and provision of associated car

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parking, hardstanding, landscaping, and infrastructure including drainage and earthworks.

When Members had previously considered the same applicant's proposals at View Road, the impact on SSSI and proposed mitigation, a question was asked whether the decision to approve with mitigation would set a precedent to which the Head of Planning had said no and that further applications would be treated on their own merit and individual package of mitigation.

Whilst there were many positives to the development, the specific issue with this development was due to the impact on the SSSI, specifically in relation to nightingales in the area. There were issues with the no cat policy and cat proof fencing. Natural England were strongly opposed to the application and their conclusion was that the mitigation would reduce rather than mitigate the issue regarding cats and the harmful impact on nightingales. If monitoring showed that the mitigation was not having the desired effect, there would be nothing that the applicant could do to further mitigate.

The package of mitigation was far less than that in the same applicant's application in View Road.

With the agreement of the Committee, the Head of Planning read out a statement by Councillor Williams as Ward Councillor which raised the following concerns:

- The development would be out of character with other dwellings in the area and would feel like was being turned into another housing estate
- There would be loss of amenities
- Negative impact on Chattenden Woods and Lodge Hill SSSI
- Adverse effects on SSSI and would affect local wildlife, nightingales, rare bats, rare butterflies, and moths.
- Dangerous precedence would be set for developments coming forward on the Hoo peninsula if approved.
- Against the Government strategy of DEFRA document biodiversity 2020
- The development did not comply with BNE 35 and 37 of the Medway Local Plan.
- Hoo parish Council also objected.
- Higher reliance of car use.
- Further travel for residents for local amenities.
- Adverse impact on infrastructure such as schools and medical.
- Unsuitable for construction traffic and would add more traffic to the A228, Four Elms Hill already under air quality controls and pressure from traffic.

Parish Councillor Michael Pearce submitted a letter of objection that the development would be damaging to SSSI, would set a damaging precedent for all wildlife and developments across the country.

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

A Member drew attention to the fact there was a cattery in vicinity of the site and consideration should be given to how this would affect the no cat policy.

A Member drew attention to the fact that whilst the area was a site of outstanding beauty with great wildlife, this development was low density and sustainability was not an issue. This was a suitable location that would benefit from more homes that would be prevented from development due to reasons that appeared to be of relative minimal risk.

Decision:

Refused as set out in the report for the reasons stated in the report.

471 Planning application - MC/20/2980 Land off Lodge Hill Lane, Chattenden, Rochester, Medway

Discussion:

As outlined in the presentation for Planning application MC/20/2979, this application was for outline application with some matters reserved (appearance, landscaping, layout, and scale) for the construction of 8 to 12 self-build dwellings, provision of open spaces, landscape buffers, drainage features and earthworks.

When Members had previously considered the same applicant's proposals at View Road, the impact on SSSI and proposed mitigation, a question was asked whether the decision to approve with mitigation would set a precedent to which the Head of Planning had said no and that further applications would be treated on their own merit and individual package of mitigation.

Whilst there were many positives to the development, the specific issue with this development was due to the impact on the SSSI, specifically in relation to nightingales in the area. There were issues with the no cat policy and cat proof fencing. Natural England are strongly opposed to the application their conclusion is that the mitigation would reduce rather than mitigate the issue regarding cats and the harmful impact on nightingales. If monitoring showed that the mitigation was not having the desired effect, there would be nothing that the applicant could do in terms of further mitigation.

The package of mitigation was far less than that in the same applicant's previous application in View Road.

With the agreement of the Committee, the Head of Planning read out a statement by Councillor Williams as Ward Councillor and raised the following concerns:

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- The development would be out of character with other dwellings in the area and would feel like was being turned into another housing estate.
- There would be loss of amenities.
- Negative impact on Chattenden Woods and Lodge Hill SSSI.
- Adverse effects on SSSI and would affect local wildlife, nightingales, rare bats, rare butterflies, and moths.
- Dangerous precedence would be set for developments coming forward on the Hoo peninsula if approved.
- Against the Government strategy of DEFRA document biodiversity 2020
- The development did not comply with BNE 35 and 37 of the Medway Local Plan.
- Hoo arish Council also objected.
- Higher reliance of car use.
- Further travel for residents for local amenities.
- Adverse impact on infrastructure such as schools and medical.
- Unsuitable for construction traffic and would add more traffic to the A228 and Four Elms hill already under air quality controls and pressure from traffic.
- Self builds are known to have more impact on current residents with developments taking years to complete rather than months.
- Unacceptable increased levels of noise and disturbance due to construction work and different contractors on site.

Parish Councillor Michael Pearce submitted a letter of objection that the development would be damaging to SSSI, would set damaging precedent for all wildlife and developments across the country

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

A Member drew attention to the fact there was a cattery in vicinity of the site and consideration should be given to how this would affect the no cat policy.

A Member drew attention to the fact that whilst the area was a site of outstanding beauty with great wildlife this development was low density and sustainability was not an issue. This was a suitable location that would benefit from more homes that would be prevented from development due to reasons that appeared to be of relative minimal risk.

Decision:

Refused as set out in the report for the reasons stated in the report.

472 Planning application - MC/22/1867 Land east of Rainham Pumping Station and north of Lower Rainham Road, Rainham, Kent

Discussion:

The Senior Planner outlined the application in detail for the construction of 2 detached residential properties with associated parking, access, and landscaping works - Resubmission of MC/22/0534.

The Senior Planner requested that the red line be amended to include the access across the grass verge, a certificate B notification being served on the owner of that part of the site and an additional condition be added which were not contained in the supplementary advice sheet.

Following discussions by the Committee it was unanimously agreed that a decision could not be made without prior notification of the changes in writing in the supplementary advice sheet.

Decision:

Consideration of this item was deferred to the next meeting to allow for full details of the amendments for approval to be outlined in the report.

473 Planning application - MC/22/2302 254 Maidstone Road, Rainham, Gillingham, ME8 0HH

Decision:

This application was deferred.

474 Planning application - MC/22/2354 Access Road to the east of The Dockside Outlet Centre, Maritime Way, Chatham Maritime, Chatham

Discussion:

The Head of Planning outlined the application in detail for the reconfiguration of existing hard and soft landscaping to provide surface parking for circa 43 vehicles including 8 electric vehicle charging bays.

Decision:

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

475 Planning application - MC/21/3587 16 Burrows Lane, Middle Stoke, Rochester, Medway

Decision:

This application was deferred.

476 Housing Delivery Test Action Plan

Discussion:

The Committee received a report setting out details of the Housing Delivery Test Action Plan that considered measures to help boost the supply of housing in Medway.

The Head of Planning drew attention to the methodology used in delivery of housing targets which stated that if less than 95% of target was achieved an action plan must be produced. If achieved less than 85% of target a 20% buffer would be introduced and if less than 75% a presumption in favour of sustainable development would be applied in the consideration of all residential applications.

Medway's performance on housing delivery had improved each year and despite a bumper three years of delivery and being the second highest in delivery of homes across the region, only 67% of target was being achieved.

The action plan was focused on what was being done to engage with developers to increase delivery. There was a planning protocol in place that all developers signed up to and they also attended an annual developers forum with officers where planning issues were discussed in detail as well as energy efficiency measures and sustainability issues.

Members were informed that there was a national shortage of planners and to mitigate against this, the department used the apprenticeship levy to train planners and provide them with more experience.

The finer details of the recent Secretary of State's announcement in relation to the levelling up bill and what changes it would bring had yet to be announced.

Decision:

The Committee noted the report.

477 Performance Report - 1 July 2022 to 30 September 2022

Decision:

This item was deferred.

478 Report on Appeal Decision - 1 July 2022 - 30 September 2022

Decision:

This item was deferred.

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Chairman

Date:

Stephanie Davis, Democratic Services Officer

Telephone: 01634 332503

Email: democratic.services@medway.gov.uk