

Medway Council
Planning Committee
Wednesday, 5 April 2023
6.30pm to 8.15pm

Record of the meeting

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

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

Substitutes: Councillors:
Barrett (Substitute for Carr)

In Attendance: Councillor Hazel Browne for Agenda Item 9
Amanda Barnes, Senior Planner
Julie Francis-Beard, Democratic Services Officer
Dave Harris, Head of Planning
Joanna Horne, Planning Solicitor
Jenny Hill, Planning Consultant

720 Apologies for absence

An apology for absence was received from Councillor Carr.

721 Record of meeting

The record of the meeting held on 8 March 2023 was agreed and signed by the Chairman as correct.

The Committee was informed of the following, as set out in the supplementary agenda advice sheet no.2:

Page 9 Minute 655 MC/22/2984 - 28 London Road, Rainham

Reason for refusal agreed by the Head of Planning, following consultation with the Chairman, Vice Chairman and Planning Opposition Spokespersons

1. The proposed development by virtue of its height and forward projection, would result in an unduly prominent and over-dominant appearance, detrimental to the character and appearance of the locality and contrary to Policy BNE1 of the Medway Local Plan 2003 and paragraph 130 of

Planning Committee, 5 April 2023

the National Planning Policy Framework 2021 and therefore should be refused in accordance with paragraph 134 of the National Planning Policy Framework 2021.

Page 12 Minute 661 MC/22/2959 - Canal Road Open Space, Canal Road, Strood

Reason for refusal agreed by the Head of Planning, following consultation with the Chairman, Vice Chairman and Planning Opposition Spokespersons

1. The proposed design of the mixed-use car wash and tyre shop would appear as a highly utilitarian and alien infill development on a prominent site within an otherwise residential characterised locality. The harm would be further exacerbated by the extent of hard surfacing resulting in a monotonous, bland and dominant frontage that would be out of keeping with the character of the area. As such the proposal would undermine the identification of Canal Road as an opportunity to be developed as an attractive, tree-lined main street that would contribute to the regeneration of Strood Waterfront, as set out in the Strood Waterfront Development Brief 2018. The proposal would, therefore, not accord with Policy BNE1 of the Medway Local Plan 2003 and paragraphs 126 and 130 of the National Planning Policy Framework 2021 and would be contrary to the objectives of the Strood Waterfront Development Brief 2018.
2. In the absence of a full acoustic assessment, in which all measurements are defined and derived in accordance with BS4142: 2014, it is not possible to fully consider the impact of the potential noise generation upon the surrounding residential properties. It is therefore considered that the proposal, due to its proximity to residential properties and the likely disturbance and intrusion that would be generated through the intermittent noisy activities generally associated with a tyre fitting establishment and the general disturbance associated with the activity and comings and goings related to a car wash, would result in a development that would cause unacceptable harm to the amenities that occupiers of adjacent residential properties could reasonably expect to enjoy. Consequently, the proposal would be contrary to the provisions of Policy BNE2 of the Medway Local Plan 2003 and paragraph 130(f) of the National Planning Policy Framework 2021.

722 Urgent matters by reason of special circumstances

There were none.

723 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.

724 Planning application - MC/21/2063 Former Cuxton Pit No. 2, Roman Way, Strood, ME2 2NU

Discussion:

The Planning Consultant outlined the application in detail for the construction of a (Class E(a)) retail store with associated parking, access, servicing and landscaping.

The Planning Consultant confirmed that the proposed application of a new Lidl food store would have an area of 2,278 sqm and a net sales area of 1,414 sqm which included a pitched roof. Vehicle access would be from Roman Way via a new priority junction arrangement. There would be 117 parking spaces, 6 disabled spaces and 9 parent and child spaces. Two electric vehicle charging points would be installed initially, increased to 4 then to 12 within three years.

Although a Retail Impact Assessment was not required under the provisions of Policy R13 of the Local Plan, a high-level consideration of potential impact had been provided and stated that given the size and type of proposal, it would not undermine the vitality and viability of existing centres in the area.

Due to the site being a former pit, the Applicant had had extensive discussions with the Environmental Agency and provided further technical details. The Environment Agency had since removed their objections and there were now several conditions attached to this application.

The Planning Consultant drew Members' attention to the supplementary agenda advice sheet no.2 amending conditions 4, 5, 29, 30 and 31 with an additional condition, 36, in relation to climate change.

The Committee considered the application, noting concerns about the access into the site. The Planning Consultant confirmed there would be anti-slip surfacing on the road to slow vehicles down, installation of speed indicators and no restrictions for vehicles turning right into the site as there would be suitable visibility. The Head of Planning explained that if access was restricted to only

Planning Committee, 5 April 2023

left in and left out, shoppers would need to travel quite a distance to return to where they were coming from.

Members welcomed the alternative location for shopping and considered that for some residents it would mean they would not have to travel as far.

Members acknowledged the sequential test that was provided in the report and the amendments noted in the supplementary agenda advice sheet no.2 and how it related to different communities. The site would be walkable for many residents although a bus stop located closer to the site would be preferred.

Members requested that as the landscaping was right on the border of an Area of Outstanding Natural Beauty (AONB), that the Applicant speak to the AONB to discuss what landscaping could be planted. The Planning Consultant confirmed that a further Landscape Management Plan would be submitted. Members were pleased to see with the proposed development how biodiversity net gain could be achieved.

The Planning Consultant confirmed that although the initial proposal was for 2 electric vehicle charging points, within three years 12 carparking spaces would enable EV charging.

Members requested a yellow box to be installed on Roman Way to allow access especially during busy periods. The Head of Planning, in consultation, with the Chairman, Vice Chairman and Opposition Spokespersons would amend condition 17 to include this.

Decision:

Approved subject to:

- a) The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £28,620 to mitigate against the loss of Open Mosaic Habitat on the site.
- b) Conditions 1 to 3, 6 to 16, 18 to 28, 32 to 35 as set out in the report for the reasons stated in the report and amendments to the reasons in conditions 4, 5 and 17 and the addition of condition 36, as set out in the supplementary agenda advice sheet and as follows:

Amend reasons in conditions 4 and 5 to refer to paragraph 90 NOT 92 of the NPPF.

Amend condition 17 as follows:

17. No part of the development hereby approved shall be occupied until the physical improvement works as shown on Drawing SCP/200289/SK12 rev A and SCP/200289/SK100 rev B as well as the provision of a yellow box on Roman Way at the entrance to

Planning Committee, 5 April 2023

the site, have been fully implemented and made operational under the terms of an agreement under Section 278 of the Highway Act 1980. The above listed works shall be implemented in full and made operational prior to the occupation of the Retail Unit.

Amend reasons in conditions 29, 30 and 31 to refer to paragraph 169 NOT 165.

Add condition 36 as follows:

36. The development shall be implemented in accordance with the measures to address energy efficiency and climate change set out within the Climate Change Statement, by RPS dated 30th July 2021 (210730/JPW1656/Climate Statement v 1). 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 the NPPF.

725 Planning application - MC/22/2965 Avenue Tennis Club, Glebe Road, Gillingham, Medway

Decision:

This application was deferred at the Applicant's request.

726 Planning application - MC/22/1617 Halling Primary School, Howlsmere Close, Halling, Rochester

Discussion:

The Senior Planner outlined the application in detail for the construction of a detached single storey nursery building to the front/side of Halling Primary School for 36 children.

The Senior Planner drew Members' attention to the supplementary agenda advice sheet no. 2 which added an additional condition, 12, stating the number of parking spaces would increase by 6 parking spaces from 39 to 45 with 3 dedicated drop off bays.

The Senior Planner confirmed that the opening times of the nursery were 7.30am to 6pm.

The Committee considered the application noting that on page 94 and 95 of the agenda, under climate change, nothing was mentioned about heating the

Planning Committee, 5 April 2023

school. The Head of Planning suggested amending condition 10 to include consideration of ground or air source heat pump in consultation with the Chairman, Vice Chairman and Opposition Spokespersons.

Decision:

Approved with conditions 1, 3 to 11 as set out in the report for the reasons stated in the report. Replace condition 2 and add condition 12 as set out in the supplementary agenda no.2.

Replace condition 2 as follows:

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

Received 31 March 2023

Drawing 001 Rev B – Site Location Plan, Existing Block Plan and Proposed Block Plan

Received 29 June 2022

Application Form

002 Rev A – Proposed Plans

003 Rev A – Proposed Elevations

Received 08 November 2022

tr-1660-22 Rev A – Tree Protection Plan

004 Rev A Proposed Cross Section

Reason: For the avoidance of doubt and in the interests of proper planning.

Amend condition 10 as follows:

10. Notwithstanding the climate change statement received 4 July 2022, prior to the commencement of development further details regarding measures to energy efficiency within the new nursery building, including consideration of ground or air source heat pumps, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken incorporating the measures to address energy efficiency and climate change as set out in the Climate Change Statement of 4 July 2022 and any additional requirements relating to energy efficiency flowing from the approval pursuant to this condition. The development shall not be brought into use until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Planning Committee, 5 April 2023

Add additional condition 12 as follows:

12. The nursery shall not be occupied, until the area shown on the submitted layout for the 6 additional vehicle parking spaces 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 or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order 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 these reserved parking spaces. The 3 dedicated drop off bays shown on the approved plan shall be marked out and reserved for drop off and pick up only and shall be used as such for the duration of the development.

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 18.

727 Planning application - MC/22/3020 Land at Town Road, Cliffe Woods, Rochester, Medway

Discussion:

The Head of Planning outlined the application in detail for the variation of condition 1 of planning permission MC/21/1287 to enable change to the proposed landscaping to remove the pond and replace with a small traditional orchard which would not impact on the biodiversity net gain and there would still be the ability to have wildlife on the site.

The Head of Planning drew Members' attention to the amendment of condition 2 which was set out in the supplementary agenda advice sheet no.2.

Decision:

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

Reason: In the interests of highway safety and the residential amenity of occupiers of adjacent properties in accordance with Policies T1 and BNE2 of the Medway Local Plan 2003."

Planning Committee, 5 April 2023

728 Planning application - MC/23/0328 188 Featherby Road, Gillingham, Medway, ME8 6DG

Discussion:

The Senior Planner outlined the application in detail for the change of use from dwelling house (Class C3) to residential institution (Children's Care Home) (Class C2).

The Senior Planner confirmed there would be no internal or external alterations proposed. There would be a maximum of 2 children with up to 2 members of staff.

The Senior Planner drew Members' attention to the comments made by the Head of Children's Services Commissioning, as set out in the supplementary agenda advice sheet no. 2, stating no objections.

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

- Local residents had concerns with PCP Services.
- The ratio of staff to children could suggest high need children.
- Some of the information in the Local Risk Assessment was out of date and a request was made that the application be deferred to enable time to ask more questions.

The Committee discussed the planning application noting the concerns raised by the Ward Councillor and noting that the Head of Children's Service Commissioning had been unaware of this application until the Ward Councillor had contacted them.

Members discussed the Local Risk Assessment, that was included in the supplementary agenda advice sheet no. 2, and noted there were several concerns:

- The assessment of the property was completed in November 2022 and would not be reviewed until November 2024 and Members felt that the assessment should have been undertaken more recently to be relevant.
- The photographs of the local amenities showed shops in other areas, not in Twydall and did not include photographs of the McDonalds.
- In the report it stated there was no actual evidence of gang culture, however, there were high levels of crime. It was not stated how these issues would be tackled.
- There was no longer a specific Police Community Support Officer for Twydall even though this was referenced in the report.
- On page 13 of the supplementary agenda advice sheet no. 2, under "Risks identified by Police", there was no evidence that the police had been consulted on this.

Planning Committee, 5 April 2023

- On page 14 of the supplementary agenda advice sheet no. 2, the local secondary health services were just generic contacts listing national groups.

Members were concerned with the care provider for the site as the care provider's website was not working and it seemed that the company had changed names every year. The Head of Planning confirmed that from October 2023 all providers of care would need to register with Ofsted, however, that was not required at present.

Some members raised the possibility of a deferral not only from a planning perspective but also in relation to the Council's role as a Corporate Parent. They felt they needed more information to make sure they could make the correct decision, however recognised that the lack of information was in regards to the care provider rather than the actual planning application. Another member pointed out that the precise operator was not a matter for the Committee to consider as any planning permission applied to the land and not the operator.

The Legal Advisor confirmed that the role of the Planning Committee was to approve or refuse the planning application in front of them. She advised that when making a decision, the Committee should only take into account material considerations.

She added that the Committee was not qualified, nor was it in the Committee's remit, to assess the Risk Assessment regarding the children's needs and that Social Services would require more detail from the Risk Assessment when allocating children to the property.

Although the Committee was part of the Council, the Planning Committee itself was not acting as a Corporate Parent. Its duty was to assess the suitability of the property, the location of the property and the application being determined. All safeguarding aspects would be assessed and determined by Children's Services.

The Head of Planning confirmed that a property with up to 6 people living as one family, with carers present 24/7, would require the class to be changed from C3 to C2. Although as no children had been allocated to the property, there would be no reason to believe that these children were high need due to the ratio of staff to children. The report stated up to 2 staff members to 2 children.

The Head of Planning explained that following a previous application regarding a Children's Home at Grain, Members asked that Children's Services were consulted when determining the application. This was actioned and Children's Services were consulted and provided comments, which were included in the supplementary agenda advice sheet no. 2. Those comments were passed to the Applicant, who then supplied the Local Risk Assessment which was passed back to Children's Services for their comments, who had made no objections.

Planning Committee, 5 April 2023

Decision:

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

729 Planning application - MC/23/0097 Chatham Maritime Marina, Leviathan Way, Chatham Maritime, Chatham

Discussion:

The Senior Planner outlined the application in detail for the realignment of a section of the Bascule Bridge link and interface with sector 15.

Decision:

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

Chairman

Date:

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