

Medway Council
Planning Committee
Wednesday, 20 December 2023
6.30pm to 8.55pm

Record of the meeting

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

- Present:** Councillors: Hubbard (Chairperson), Stamp (Vice-Chairperson), Barrett, Bowen, Etheridge, Field, Gilbourne, Hamandishe, Jones, Nestorov, Peake and Pearce
- Substitutes:** Councillors:
Campbell (Substitute for Howcroft-Scott)
Kemp (Substitute for Gulvin)
Mrs Turpin (Substitute for Anang)
- In Attendance:** Councillor Vince Maple, (agenda items 10 and 11)
Councillor Chris Spalding (agenda item 12)
Laura Caiels, Principal Lawyer - Place Team
Julie Francis-Beard, Democratic Services Officer
Dave Harris, Chief Planning Officer
Peter Hockney, DM Manager
Jacky Olsen, Planner
Nick Roberts, Principal Planner
George Stow, Highways Consultant

475 Apologies for absence

Apologies for absence were received from Councillors Anang, Gulvin and Howcroft-Scott.

476 Record of meeting

The record of the meeting held on 22 November 2023 was agreed and signed by the Chairperson as correct.

The Committee were advised of the following, as set out in the supplementary agenda advice sheet.

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The SAMMS payment had been paid and the decision issued.

477 Urgent matters by reason of special circumstances

There were none.

478 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Pearce referred to application MC/23/2060 Boot Fair, Upnor Road, Upnor Rochester and informed the Committee that the applicant was a customer for a business for which he was a stakeholder. As the interest was financial, he would leave the meeting and take no part in the determination of the application.

Other interests

Councillor Etheridge stated that he attended meetings for Frindsbury Extra and Cliffe Woods Parish Councils and explained that if any planning applications were discussed there which were due to be considered by the Medway Council Planning Committee meeting, he would not take part in the discussion at the Parish Council meetings.

Councillor Mrs Turpin stated that she attended meetings for Frindsbury Extra Parish Council and explained that if any planning applications were discussed which were due to be considered by the Medway Council Planning Committee meeting, she would not take part in the discussion at the Parish Council meetings.

Councillor Mrs Turpin referred to application MC/23/2060 Boot Fair, Upnor Road, Upnor Rochester and informed the Committee that she had written, in support, of the application and would withdraw from the meeting and take no part in the determination of the application.

479 Planning application - MC/23/0389 Brethrens Meeting Room, Canterbury Lane, Rainham, Gillingham

To accommodate Ward Councillors, planning applications were taken in a different order from the original agenda. This item was moved up the agenda.

Discussion:

The DM Manager outlined the application in detail which was an outline application with all matters reserved for a residential development of up to 22 residential units.

The Chief Planning Officer and DM Manager explained that the Development Contribution Guide set the relevant S106 contributions that were required to be paid based on the specific needs of the local community within the specific area

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of the development. The Chief Planning Officer confirmed that the work on the emerging Local Plan would include a review of the developer contributions guide.

The Chief Planning Officer confirmed that as the development was below the threshold, there was no requirement to provide affordable homes.

Following a question from a Member about what open spaces would benefit from the S106 contributions, the Chief Planning Officer, explained that he would come back to the Planning Committee and update them on the specific areas.

Decision:

Approved subject to:

- a) The applicant entering into a S106 agreement to secure the following:
 - i) Contributions towards improved Education provision comprising:
 - a) Nursery: £34,084.38
 - b) Primary: £45,416.30 (£83,661.60 x 19 full year groups out of 35)
 - c) Secondary: £66,287.98
 - d) Sixth Form: £2,492.76 (£17,449.30 x 2 full year groups out of 14)

Total: **£148,281.41**
 - ii) Contribution towards Existing Library: **£4,082.10**
 - iii) Contribution towards Sports Facilities **£6,018.10**
 - iv) Contribution towards Public Realm **£5,390**
 - v) Contribution towards improvements to Local Health Facilities: **£15,630.12**
 - vi) The Strategic Access Management and Monitoring Strategy (SAMMS): £6,909.91
 - vii) Contribution towards Youth Provision: **£1,935.78**
 - viii) Contribution towards Community Facilities: **£5,155.70**
 - ix) Contribution for improvement and links to Public Rights of Way: **£1,650**
 - x) Contribution to enhance open space facilities within the vicinity of the development and towards Medway's Metropolitan park - Great Lines Heritage Park: **£71,791.28**
- b) Conditions 1 to 27 as set out in the report for the reasons stated in the report.

480 Planning application - MC/23/2088 Land rear of 339A & 341 Maidstone Road (Fronting Tanker Hill), Rainham, Gillingham, Medway

Discussion:

The DM Manager outlined the application in detail for the demolition of outbuildings and the construction of one pair of semi-detached dwelling houses with parking.

The DM Manager brought Members' attention to the supplementary agenda advice sheet which added 2 new conditions.

Decision:

Approved with conditions 1 to 11 as set out in the report for the reasons stated in the report and the addition of two further conditions:

Add following additional conditions 12 and 13:

12. Prior to the first occupation of any dwelling herein approved details of the refuse storage arrangements for the dwellings, including provision 5 for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

13. No dwelling shall be occupied until details of secure private cycle parking provision for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before the relevant dwelling is first occupied and shall thereafter be retained.

Reason: In the interests of sustainability and to encourage cycle use with regard to Policy T4 of the Medway Local Plan 2003.

481 Planning application - MC/20/0302 Land adjacent Royal Mail Depot, Bridgewood Site, Maidstone Road, Rochester

Discussion:

The Chief Planning Officer outlined the application in detail for the construction of a part single part 2 storey depot/workshop building with ancillary offices, access, parking, vehicle washing facilities and landscaping.

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The Chief Planning Officer advised that the site was within an Area of Local Landscape Importance and Strategic Gap and was opposite, and therefore, within the setting of an Area of Outstanding Natural Beauty (AONB). Appropriate landscaping, to soften the views, was critical.

The Chief Planning Officer brought Members' attention to the supplementary agenda advice sheet which amended conditions 19 and 21.

The Highways Consultant confirmed that the road would be sufficiently wide enough to accommodate HGV's and to allow vehicles access in and out of the site.

Decision:

Approved with conditions 1 to 18, 20, 22 to 28 as set out in the report for the reasons stated in the report with amendments to conditions 19 and 21 as follows:

Amend condition 19 to delete bracketed section in line 2 - referencing 33% active and 66% passive - to allow negotiation on what is appropriate recognising that HGV vehicles are currently not EV.

Amend Condition 21 to delete reference to phasing as follows:

21. No part of the development shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected within the development has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before any building is occupied and shall thereafter be retained.

482 Planning application - MC/23/1656 45-47 Cooling Road, Strood, Rochester, ME2 4RP

Discussion:

The Planner outlined the application in detail for the construction of a single storey extension to facilitate the conversion of the property into two dwelling houses with associated private amenity space and demolition of conservatory to the rear.

The Committee then asked a number of questions and comments, which included whether the study could, in future, be used as a bedroom, the Planner confirmed the national space standards for room sizes would prevent it being used as a bedroom as it was too small.

Decision:

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

483 Planning application - MC/23/2060 Boot Fair, Upnor Road, Upnor, Rochester

Councillors Pearce and Mrs Turpin withdrew from the meeting for this item.

Discussion:

The Chief Planning Officer outlined the application in detail for the change of use of the field for an additional 7 boot fairs a year (21 in total in any one calendar year).

The Committee considered the application noting that Marshalls may be required not only for the traffic but also to stop people arriving too early on site.

Members suggested widening the entrance to stop any congestion, the Chief Planning Officer confirmed that he would suggest that to the applicant and it could be monitored over the next few years.

Members were concerned with the amount of litter that could be generated, the Chief Planning Officer stated that the applicant operated a good post-event clean of the site which included the litter picking and was also covered under condition 4. The Chief Planning Officer expected residents or Ward Councillors to inform him or his team of any issues or concern regarding litter.

Members were encouraged by the increase in boot fairs, especially during the cost-of-living crisis and welcomed the additional dates.

Decision:

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

Councillors Pearce and Mrs Turpin returned to the meeting.

484 Planning application - MC/23/1834 Former Police Section House, East Road, Historic Dockyard, Chatham

Discussion:

It was agreed that there would be one presentation that covered both MC/23/1834 and MC/23/1833 Former Police Section House, East Road, however, both applications would be voted on separately.

The Principal Planner outlined the application in detail for part demolition and conversion of the former police section house for exhibition space, cafe, meeting space, post-production studios, office and co-working space (mixed-use). The development of a digital production studio (Sui Generis) and the installation of rooftop PV panels. A single storey link extension, construction of vehicular access, substation, hard and soft landscaping and associated works.

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The Principal Planner explained that Members had received a presentation from the Institute of Cultural and Creative Industries regarding the application back in July 2023. He stated that the applicant had engaged with the landowners and developers of adjoining sites the proposal could also act as a catalyst for encouraging more diverse and innovative uses as part of the sites wider regeneration.

The Principal Planner brought Members' attention to the supplementary agenda advice sheet which included a briefing note from the applicant and further clarification on Bio Diversity Net Gain and agreed approach. A contribution of £40,000 has been agreed, in consultation with Medway Council Greenspaces Team and Kent County Council Biodiversity, to supply the equivalent number of replacement trees to compensate for those trees that would be removed. The cost would include the planting of the trees on Council owned land and the ongoing management costs that would be required in the first three years whilst the trees were established.

With the agreement of the Committee, Councillor Maple addressed the Committee as Ward Councillor and outlined the following points in support of the application:

- This was an old building that had not been used in some time and the development would bring the building back to being used again and would be a really good use of the space.
- Working closely with Medway Council, The Historic Dockyard and the University would add value to the creative industry. Postproduction could be done on site in conjunction with the filming.
- Condition 3 - we could easily avoid construction works and lorries coming and going during peak times which would affect neighbouring residents such as the Busy Bees Nursery.
- Always important to note that there were no objections submitted from local residents.

The Committee considered the application and were encouraged by the opportunity to regenerate the building. This would enhance the area and boost the local economy as well as encouraging young people into the creative arts.

Members expressed the view that the loss of 34 trees on site should be offset by enhanced and improved provision off site. The Principal Planner confirmed it would be offset with mixed tree planting which would actually be an improvement for bio diversity over the self-sown sycamores that would be removed.

The Principal Planner confirmed that the roof of the studio would have solar panels installed on them.

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Decision:

Approved subject to:

A) Delegated authority being given to the Chief Planning Officer to secure further details of the financial contribution that will be sought to mitigate against the loss of Biodiversity.

B) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:

A contribution of to mitigate against the loss 0.58 units of other woodland; broadleaved.

C) The imposition of conditions 1 to 23 as set out in the report for the reasons stated in the report.

485 Planning application - MC/23/1833 Former Police Section House, East Road, Historic Dockyard, Chatham

Discussion:

The Principal Planner outlined the application in detail for listed building consent application for the retention and alteration to brick pier and associated works.

The Principal Planner brought Members' attention to the supplementary agenda advice sheet which included an amendment to condition 5.

Decision:

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

Amend Condition 5 as follows:

5. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a written scheme of archaeological investigation in accordance to details which have first been submitted to and approved in writing by the Local Planning Authority.

486 Planning application - MC/23/0106 Land at Middle Stoke, adjacent to 1 & 2 Jubilee Cottages, Grain Road, Middle Stoke

This item was moved to the end of all the planning applications to enable Members to read additional paperwork that had been submitted.

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Discussion:

The Chief Planning Officer outlined the application which was an outline application with some matters reserved (appearance, landscaping, layout and scale) for the demolition of redundant farm buildings and construction of 7 no. dwelling houses, provision of attenuation pond and comprehensive landscape area (incorporating wildflower meadows, biodiversity area and tree planting).

The Chief Planning Officer advised that the application had received a resolution to approve subject to notifying the HSE at the Planning Committee meeting in September. The HSE were advised of the resolution and contacted the case officer and Chief Planning Officer to clarify their concerns, which were namely that they could not support more than 2 dwellings within the inner zone defined on the plans shown for the Shorne/Isle of Grain pipeline. As a result, the applicant was invited to amend the application. By reducing the number of dwellings in the inner zone to 2 and thereby the overall quantum of development on the entire site from 9-7. The applicant agreed and revised their planning application to 7 new dwellings with 2 dwellings within the inner zone. The HSE then formally confirmed that they no longer objected to the planning application.

Although it was possible to have determined this planning application under delegated powers as a result of the previous resolution, it was agreed with the Chairperson and the Chief Planning Officer that it was appropriate to bring the application back to the Planning Committee for Members to consider the comments made from the HSE.

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

- When Councillor Spalding contacted the HSE they were unaware that the Council had already granted permission for the planning application in September 2023.
- The HSE were not told about any flooding which affected the local area.
- The Planning Officer, at the September 2023 Planning Committee meeting, stated that the Lead Local Flood Authority (LLFA) was currently undertaking works to improve the flooding. The LLFA had not yet instructed any works to be undertaken.
- The applicant referred to the play area as an amenity space, the HSE had stated that people must not congregate, however, people would congregate if it was being used as a play area.

The Chief Planning Officer advised that the situation with Southern Gas Network and National Gas Transmission remained the same as it was in September 2023. Their letters had been forwarded to the applicant. For the LPA the key consultee on the issue of the pipeline was the HSE. Southern Gas Networks and National Gas needed to be re-assured on the final siting of dwellings in relation to the pipeline and this would be considered within any reserved matters application.

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The Chief Planning Officer and the Chairperson confirmed that when the reserved matters application was submitted with further details, the application would be brought back to the Planning Committee for determination.

The Chief Planning Officer confirmed that when the reserved matters application was submitted, he would ensure that the LLFA and Local Drainage Board were consulted.

Decision:

Approved with conditions 1 to 24 as set out in the report for the reasons stated in the report.

487 Report on Section 106 Agreements - July 2023 to September 2023

Discussion:

The Chief Planning Officer gave a summary of the amount of Section 106 funding received between July and November 2023 and referred to appendix 1 to 5 in the report.

He explained that the Authority Monitoring Report and Infrastructure Funding Statement was discussed at Cabinet on 19 December 2023.

A Member asked about the S106 contribution for bus travel at land west of Town Road, Cliffe Wood and as the initial bus timetable had changed how many people were now using this bus service or could the monies be used elsewhere. The Chief Planning Officer would respond directly to the Member.

Decision:

The Committee noted the report.

488 Exclusion of the press and public

Decision:

The Committee agreed to exclude the press and public from the meeting during consideration of agenda item 15 (Enforcement Proceedings – 1 April 2023 to 30 November 2023) because consideration of these matters in public would disclose information falling within paragraph 6 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 9 (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.

489 Enforcement Proceedings

Discussion:

The Chief Planning Officer gave a summary of the enforcement proceedings referred to in Appendix A of the report. The Chief Planning Officer confirmed that he was happy to take any questions and respond directly outside of the meeting.

The Chief Planning Officer stated that two new members of the Enforcement Team had recently been recruited and were working alongside the Senior Enforcement Officer and the team were clearing the backlog of a large number of enforcement cases.

Decision:

The Committee noted the report and thanked the team for their hard work, especially the Senior Enforcement Officer.

Chairperson

Date:

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