

Medway Council
Planning Committee
Wednesday, 5 June 2024
6.30pm to 9.09pm

Record of the meeting

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

- Present:** Councillors: Stamp (Chairperson), Jones (Vice-Chairperson), Anang, Barrett, Bowen, Etheridge, Field, Gilbourne, Gulvin, Hamandishe, Peake and Pearce
- Substitutes:** Councillors:
Browne (Substitute for Hamilton)
Hackwell (Substitute for Filmer)
McDonald (Substitute for Myton)
- In Attendance:** Councillor John Williams (for agenda item 7)
Julie Francis-Beard, Democratic Services Officer
Dave Harris, Chief Planning Officer
Peter Hockney, DM Manager
Joanna Horne, Lawyer
Arron Nicholls, Senior Planner
Jonathon Simon, Planner
Mary Smith, Senior Planner
George Stow, Highways Consultant

32 Apologies for absence

Apologies for absence were received from Councillors Filmer, Hamilton and Myton.

33 Record of meeting

The record of the meeting held on 8 May 2024 was agreed and signed by the Chairperson as correct.

34 Urgent matters by reason of special circumstances

There were none.

35 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Browne referred to planning application MC/24/0279 Land south of View Road, Cliffe Wood, Rochester, Kent and stated that she was on the Lower Medway Internal Drainage Board, however, she had not been involved in this planning application and would remain as a Committee Member.

Councillor Etheridge referred to planning application MC/23/1835 Court Lodge, Lower Rochester Road, Wainscott, Rochester, Medway ME3 8EH and stated he knew the applicant and, therefore, would not take part in the discussion or determination of this agenda item and would withdraw from the meeting.

Councillor Gulvin referred to planning application MC/24/0442 308 Hempstead Road, Hempstead, Gillingham, Medway ME7 3QH and stated that the applicant was a member of the Conservative Group, and he would not take part in the discussion or determination of this agenda item and would withdraw from the meeting.

Councillor Hackwell referred to planning application MC/24/0442 308 Hempstead Road, Hempstead, Gillingham, Medway ME7 3QH and stated that the applicant was a member of the Conservative Group, and he would not take part in the discussion or determination of this agenda item and would withdraw from the meeting.

Councillor Pearce, at the start of MC/23/0763 Land adjoining Terrance Butler Avenue, off Anthonys Way, Medway City Estate, Rochester, Medway ME2 4DW, stated that Gravesham Borough Council was his employer and they had been consulted as part of this planning application, however, he had no involvement in this planning application and would, therefore, remain as a Committee Member.

Other interests

Councillor Etheridge stated that he often attended meetings for Frindsbury and Cliffe Woods Parish Councils and explained that if any planning applications were ever 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.

36 Planning application - MC/24/0279 Land south of View Road, Cliffe Woods, Rochester Kent

Discussion:

The DM Manager outlined the application in detail for the construction of 25 dwellings with associated landscaping, parking, earthworks and new vehicular access from View Road.

The DM Manager explained that due to the development being for retirement living for the over 55's an adjustment to the normal S106 contribution had been set out in the report. A proportion of the S106 contributions would go towards sixth form education rather than primary and secondary school. As there would be no under 16 children on the site and with the lack of demand for on site play equipment, there would be a contribution towards improving open spaces in the area, in liaison with the Parish Council (albeit that any young children visiting could use the play facilities on the adjacent residential development by the same developer). In addition, the affordable housing requirement would be amended to reflect the age and need of prospective occupiers relating to the proposal.

The Committee had a number of concerns and asked questions, which included:

SSSI, Ecology and Diversity – Members were concerned that the previous planning application had promised a lot of improvements in the flood risk area, to protect the character of the area, to protect the Site of Special Scientific Interest (SSSI) and impact zones, install wildlife zones and improve biodiversity which they considered had not been completed.

The DM Manager confirmed that, similar to the previous application, there would be a buffer from the development to the SSSI. A survey undertaken in 2012, confirmed the nightingale territory was over 500 metres from the development. A 'no cat policy' and appropriate cat proof fencing and deterrent landscaping would be installed. Information boards, explaining the SSSI, would be positioned around the site and dog walkers discouraged from walking close to the SSSI with alternative paths being provided.

The Chief Planning Officer clarified that further ecological advice had been sought, regarding the protection of the SSSI, and fencing, landscaping and other measures would be in place. If it was considered that if monitoring showed those measures proved not totally effective, further measures could be implemented via the management condition. KCC Ecology were satisfied with the landscaping and ecology on site and the biodiversity had been sufficiently addressed.

Over 55's – Members were concerned about younger people living on the site, the DM Manager confirmed that condition 28 set out restrictions that no dwelling should be occupied, at any time, other than by a person aged 55 or older together with their spouse, partner or companion or dependent providing

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they were over 16 years or older. Anyone residing in these properties would be required to comply. This would not stop grandparents having their grandchildren staying overnight or for a short stay during the holidays, however, not on a permanent basis. Members requested that the condition also be reflected in the S106 in order to tighten up compliance.

Affordable homes – there would be 6 discounted market sale bungalows. Members were concerned with the criteria of who could purchase one of these 6 discounted bungalows. The Chief Planning Officer confirmed there was a need for retirement homes within the area and such need would be reflected in the emerging Local Plan. Members discussed in detail who should get first priority for these affordable homes, however, it was suggested that Medway wide residents would be offered the discounted market sale bungalows.

The DM Manager clarified that discounted market value properties formed part of the affordable homes set out in Annex 2 of the National Planning Policy Framework (NPPF) and the conditions complied with those elements and were included in the S106 agreements.

S106 Contributions – the DM Manager confirmed that that the proposal would deliver significant S106 contributions for the benefit of the local vicinity, and that the spend would be in consultation with the Parish Council.

Members were concerned that the Developer could come back in six months and request a reduction in the S106 contributions. The Chief Planning Officer advised that the only time this Developer had negotiated amendments to a S106 was for MC/21/1694 to allow grant funding to be used to deliver the required affordable homes.

Design – Members acknowledged the design of this planning application was much improved and understood the importance of providing bungalows in Medway. The Chief Planning Officer confirmed that in condition 24 the removal of permitted development rights would mean the 13 bungalows proposed out of the 25 properties within the application remained as bungalows and would not become larger family houses.

The Chief Planning Officer stated that the applicant had spoken to local residents within the Cliffe Woods area and a number of residents, over the age of 55, were currently living in larger houses and wanted to downsize, however, they wished to remain living within the village.

Access - four properties would gain access from the adjacent site, the Chief Planning Officer explained both sites were purchased by the same developer.

Flood risk – the DM Manager confirmed no significant flood risk element had been identified and condition 13 imposed a signed verification drainage report. The site and the adjacent site were owned by the same house builder and would be looking at the drainage conditions.

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Accessibility – on-plot parking space would be available for residents, which would be accessible. Any internal designs could be adapted and an informative could be added.

Decision:

Approved subject to:

- A. Notify Natural England of the intention to approve.
- B. Section 106 agreement to secure the following:
 - a) To allocate 6 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 6 housing units shall be at Discounted Market Value.
 - b) Financial contributions as follows:
 - i) £6,125 towards public realm improvements to assist with the development of improved civic space and gateways to Strood town centre (greening projects, bollards and signage).
 - ii) £5,519.50 towards improvements to library provision in the area and the mobile library visiting the vicinity of the site.
 - iii) £5,783.50 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
 - iv) £21,134.25 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.
 - v) £6,124 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
 - vi) £8,137.25 towards the development of a gender-neutral changing area including improved shower facilities with increased accessibility for families, schools and disability users which will enable the help and supervision of carers at Hoo Sports Centre.
 - vii) £8,411.08 towards mitigating the impact of the additional pupils generated by the development comprising.
 - Sixth Form - £8,411.08
 - viii) £31,183.47 towards improving open space provision within the vicinity of the site, in consultation with the parish council.

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- ix) £8,206.75 towards Designated Habitats Mitigation.
- x) £4,000 towards making a Traffic Regulation Order- provision of yellow lines and signage for waiting restrictions on View Road, Cliffe Woods.

Other non-financial obligations include.

- c) The implementation and ongoing management and monitoring of a 'no cat policy' for the lifetime of the development.
 - d) Condition 28 requirements to be reflected in S106.
- C. The imposition of the following conditions 1 to 28 as set out in the report for the reasons stated in the report.

37 Planning application - MC/23/2184 City Wall Wine Bar, 120 - 122 High Street, Rochester, Medway ME1 1JT

Discussion:

The Senior Planner outlined a retrospective application for the retention of the permanent outdoor shelter fixed to the side of the building and for the use of the areas to the rear and side as part of the wine bar's garden (removal of gazebo structure within existing planters).

The Senior Planner confirmed that there had been a site meeting with the Conservation Officer who did not object to the proposals and that as there were no significant fixings to the ground, there would be no archaeological impact.

The Committee considered the application noting that access would still be available to the sensory garden.

The Senior Planner advised that the Licensing Team had been contacted regarding this planning application.

Decision:

Approved with conditions 1 to 3 as set out in the report for the reasons stated in the report.

38 Planning application - MC/23/1835 Court Lodge, Lower Rochester Road, Wainscott, Rochester, Medway ME3 8EH

Discussion:

Councillor Etheridge withdrew from the meeting.

The Senior Planner outlined the application in detail for the demolition of a garage and the construction of 8 no. dwellings and a car port, as well as

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associated works including landscaping, amendments and relocation to access, erection of bin and bike stores and creation of internal roads.

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

- BNE2 Amenity Protection in the Local Plan – it stated all developments should secure the amenities of its future occupants and protect those amenities nearby and adjacent properties. The design of the development should have regard to: privacy, daylight, sunlight, noise, vibration, heat, smell and airborne emissions and traffic generation. He did not consider that the proposal met these requirements and would unacceptably impact on neighbours.
- Highway safety – concern regarding the B2000 and the slip road. There had been a number of incidents with vehicles turning right and doing U-turns and concern for the safety of motorist using the B2000.
- Concern from local residents regarding the impact the development would have on them.

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

The Senior Planner confirmed that the size of the rooms were slightly larger than the national size guidelines.

He also stated that there were currently two accesses which would both be closed, and one new access would be created, which would be the only access into the site.

Members acknowledged the installation of bat boxes and requested that it be standard across all new developments.

Members were made aware that any reference made to Frindsbury Parish Council in the report, should be Frindsbury Extra Parish Council, as stated in the supplement agenda advice sheet.

Decision:

Approved with conditions 1 to 22 as set out in the report for the reasons stated in the report.

Councillor Etheridge returned to the meeting as a Committee Member.

39 Planning application - MC/23/0763 Land adjoining Terrance Butler Avenue, off Anthonys Way, Medway City Estate, Rochester, Medway ME2 4DW

Discussion:

The DM Manager outlined the application in detail for the construction of a drive-thru coffee shop and a separate car vehicle storage warehouse - Resubmission of MC/22/0332.

The DM Manager brought Members' attention to the supplementary agenda advice sheet which amended the recommendation and added a new condition to ensure the flood risk was minimised. It also confirmed that Planning Officers had met with the Environment Agency to seek clarification regarding their concerns which were on the ecology buffer being less than 16 metres and that some of the development was in Flood Zone 3b. As a result of the Environment Agency's unresolved objections, on flood risk, and that the application was a major development, it was necessary to refer the resolution to grant planning permission to the Secretary of State prior to issuing a decision.

He confirmed that Medway Council's Flood Officer was satisfied with the proposal and did not object to the planning application.

Decision:

Approved subject to:

- A. Refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2024.
- B. Approval with Conditions 1 to 29 as set out in the report for the reasons stated in the report and an additional condition 30 to be added:

Additional Condition

- 30. Prior to the commencement of any works on site full details of existing land levels, proposed levels within the site including car parking areas, finished floor levels of the buildings and any retaining structures shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that flood risk is minimised in accordance with Planning and Flood Risk section contained within the NPPF.

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40 Planning application - MC/24/0442 308 Hempstead Road, Hempstead, Gillingham, Medway ME7 3QH

Discussion:

Councillors Gulvin and Hackwell withdrew from the meeting.

The Planner outlined the application in detail for the change of barn hip to gable ends with construction of a dormer to rear and roof lights to rear to facilitate living accommodation within the roof space. He confirmed that the applicant was an elected Member and that no objections had been received.

Decision:

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

Chairperson

Date:

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