

Medway Council
Planning Committee
Wednesday, 28 August 2024
6.30pm to 8.50pm

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), Barrett, Bowen, Filmer, Gilbourne, Hamandishe, Hamilton, Myton, Peake and Pearce

Substitutes: Councillors:
Fearn (Substitute for Etheridge)
Howcroft-Scott (Substitute for Field)

In Attendance: Councillor Lawrence (agenda item 5)
Councillor Wildey (agenda item 5)
Laura Caiels, Principal Lawyer - Place Team
Julie Francis-Beard, Democratic Services Officer
Dave Harris, Chief Planning Officer
Peter Hockney, DM Manager
Jonathon Simon, Planner
Mary Smith, Senior Planner
George Stow, Highways Consultant

245 Apologies for absence

Apologies for absence were received from Councillors Etheridge, Field, Gulvin and Joy (substitute).

246 Record of meeting

The record of the meeting held on 11 July 2024 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.

Minute number 141 - Planning application - MC/24/0221 Land to east of Woodlands Cemetery, Cornwallis Avenue, Gillingham, Medway, ME7 2DL

The decision taken by the Planning Committee on 11 July 2024, as set out in the minutes, was:

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Approved subject to:

- A) The application being referred to the Secretary of State pursuant to Town and Country Planning (Consultation) (England) Direction 2021: and
- B) The imposition of the conditions 1 to 30 as set out in the report for the reasons stated in the report.

In accordance with the agreed recommendation A, the application was referred to the Secretary of State on 12 July 2024. Confirmation was received from the office of the Secretary of State on 1 August 2024 that a call in was not necessary and the application should be determined by the Local Planning Authority.

Therefore, planning permission was issued as per agreed recommendation B including the conditions that were set out in the report.

247 Urgent matters by reason of special circumstances

There were none.

248 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

Councillor Pearce referred to planning application MC/24/1145 - 45 Broadwood Road, Chattenden, Rochester, Medway ME1 2BW 2402 and informed the Committee that as he is a member of the Parish Council who made representations and he wished to address the Committee as Ward Councillor, he would take no part in the determination of the application.

249 Planning application - MC/21/1296 Gibraltar Farm, Ham Lane, Hempstead, Gillingham, Medway ME7 3JJ

Discussion:

The Senior Planner discussed, in detail, the outline planning application (with all matters reserved except access) for the erection of up to 450 market and affordable dwellings, nursery and supporting retail space up to 85sqm, with provision of main access to Ham Lane; estate roads; cycle and pedestrian

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routes; residential and community open space and landscaping; new junction for Lidsing Road/Hempstead Road and realignment and widening of Lidsing Road. Off-site related highway works to Westfield Sole Road, Shawstead Road, Hempstead Road, Chapel Lane, Hempstead Valley Drive, Hoath Way roundabout, Hoath Way and M2 Junction 4 - Re-submission of MC/19/0336.

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

- Local residents have stated they were not informed of this latest planning application.
- As the reports that were completed and reviewed were some time ago, the report did not take into account the Gleaming Wood Lane development, which was now under construction and people were beginning to reside there.
- The new development, with the additional lighting and noise, would affect the bats and would impact their flight patterns.
- Protection of the ancient woodland was important.
- Concerns regarding flooding as Gibraltar Farm was sited within a valley.

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

- As Hempstead and Lordswood would have to absorb 2,500 additional dwellings as part of the Local Plan, it would be necessary, therefore, to minimise the changes on residents within Hempstead Village and Wigmore area.
- There would be a strain on the infrastructure, with a new nursery being included. Hempstead, Lordswood and Parkwood schools would struggle to cope along with additional traffic during drop off and pick up times. Medway Hospital was currently struggling to provide adequate services, would they be able to cope with these additional residents. Development could encroach on the Area of Outstanding Natural Beauty.
- Concerns with the traffic – Ham Lane, Westfield Sole Lane, Forge Lane, Capstone Road were single carriageways, they would not be suitable for the increased amount of traffic. Chapel Lane, Hempstead Road, Hempstead Valley Road, Shawsted Way and Hoath Way would have to cope with alterations and these roads already have significant queues at certain times of the day. The increase of traffic coming off the M2 motorway, Junction 4 which would flow into Medway via Hoath Way.
- With the additional investment into Hempstead Valley Shopping Centre, more visitors were being attracted into the area.
- Without significant investment into high quality bus services, residents would have to use their own vehicles, adding to the traffic.
- With the contributions that were part of the S106, monies should be allocated to improve the lives of residents of Hempstead and Lordswood that would be impacted.

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- Concern regarding the ransom strip, further negotiations should be undertaken or alternatively consideration of a redesign which would only allow very limited access through Hempstead

The Committee discussed the planning application in detail noting the points raised by the Ward Councillors and asked a number of questions which included:

Development – concerns were raised regarding the noise and disturbance during the construction period for local residents.

Concerns were also raised by Members regarding the amount of development happening in that area, including the Lidsing development where 2,000 more dwellings were proposed as part of the Maidstone Local Plan.

Further concerns were raised regarding traffic and highways, the impact on the environment including the loss of green spaces, the appearance of the development, which some Members considered could be an overdevelopment and whether the NHS had the capacity to cope with the additional footfall.

Lighting – although Members understood that the lighting issues had been addressed to avoid harm to the bats, they were concerned to ensure that the lighting proposed was sufficient especially in relation to the safety of women and girls.

Access – Members asked if this was a Lordswood development why was the access via Hempstead and not within Lordswood?

Flooding – the Chief Planning Officer informed Members that relevant conditions would mitigate the concerns of flooding.

S106 contributions – Members requested that any S106 contributions to the NHS be utilised as soon as possible. The Chief Planning Officer explained he was meeting and working hard with the NHS to understand their requirements for the S106 monies, what the money should be spent on and he would encourage them to utilise the money immediately.

The Chief Planning Officer outlined the history of the planning application, in detail, which was set out on pages 55 to 57 of the report. He explained that officers and the applicant would have preferred the first option where access was via North Dane Way, however, there was a strip of land that Medway Council owned, which they had previously declined to sell, which prevented the means of access so was not possible for permission to be implemented. He stated that the Council would have to make a decision regarding this piece of land later in the year.

The Chief Planning Officer went on to explain to Members that Medway Council had spent more money on legal costs relating to appeals than any other council in the country. If Members were minded to refuse this planning application, they would need to provide specific evidence and reasons for refusal as he

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considered that in light of the previous appeal decisions, the lack of a 5 year housing land supply and the lack of an up to date Local Plan, there were no planning grounds to refuse the planning application. If it then went to appeal and the appeal was allowed it was very likely that the Council would not only have to meet its own costs but would be liable to pay costs to the applicant.

He advised that it would take some time to finalise the S106 contributions and Maidstone Borough Council also needed to consider the application to them and that it was possible in that time for Medway Council to consider whether it was appropriate to make a fresh decision regarding the strip of land they owned.

Following concerns from Members about S106 contributions regarding the local roads, the Chief Planning Officer stated that the development should not be first occupied until the improvements to the highways had been completed and this was covered within the conditions.

Members were also concerned, that at a previous Planning Committee meeting, they were asked to consider whether a developer did not have to pay their S106 contributions and with the large amount of S106 contributions allocated from this planning application, they were concerned that this would happen again. The Chief Planning Officer explained that although this had happened occasionally in the past due to the developer incurring costs that were not expected, especially in brownfield sites, it had never been requested for greenfield sites.

The Chief Planning Officer stated that the S106 monies were monitored very carefully by the S106 Officer who ensured that the developers pay on time and that the allocated money was used within the timeframe given.

Following a comment from one of the Ward Councillors regarding local residents not being informed of this planning application, the Chief Planning Officer categorically stated that consultation on the application had been carried out in accordance with the Council's adopted practices, and the fact that 790 objections were made on the application showed that local residents were aware.

Decision:

Approved subject to:

A S106 agreement being entered into to secure the following:

- (a) The provision of 25% affordable housing
- (b) Financial contributions as follows:
 - i. Provision of an on-site nursery to the value of **£829,561.50** or if a potential nursery operator cannot be reasonably found before the start of its construction, a contribution of

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this amount towards mainstream nursery education within a radius of 2 miles from the development site

- ii. Contribution of **£1,047,188.83** towards mainstream nursery/ primary education within a radius of 2 miles from the development site, and/or SEND education within Medway
- iii. Contribution of **£1,613,349** mainstream or SEND secondary/sixth form education within Medway
- iv. Contribution of **£380,416.50** to support the creation of additional health service capacity
- v. Contribution of **£47,115** towards Youth Services for programme delivery for young people (ages 8-19 and up to 25 for with additional needs) in the Gillingham area, which may include facilities, providing access, supplies, equipment, and/or instructors
- vi. Contribution of **£500,843.11** to enhance off-site open space in the vicinity of the development
- vii. Contribution of **£107,000** towards improvement of paths in the vicinity
- viii. Contribution of **£146,470.50** towards indoor sports facilities in Medway
- ix. Contribution of **£260,000** towards the provision of a new bus service to serve the development and/or the extension of an existing service to serve the development
- x. Contribution of **£460,000** to the Council towards the provision of link footway and cycle way between the junction with Lidsing Road and the residential area in Hempstead
- xi. Contribution of **£370,000** to the Local Highway Authority towards the provision of a pedestrian crossing and scheme of traffic calming measures along Hempstead Road
- xii. Contribution of **£104,103** toward waste and recycling requirements for the provision, improvement and promotion of waste and recycling services
- xiii. Contribution of **£147,721.50** towards the provision of migrating bird disturbance mitigation measures within the Strategic Access Management and Monitoring Strategy (SAMMS)
- xiv. Contribution of **£110,232** towards community facilities
- xv. Contribution of **£171,265.50** towards heritage sites and museums

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- xvi. Contribution of **£99,351.00** towards libraries to improve equipment and facilities at Lordswood Library and/or Hempstead Library
- xvii. Contribution of **£110,250** towards public realm, to assist with the development of public realm improvements to Gillingham and/or Rainham town centre
- xviii. Contribution of **£10,000** for mitigating against vehicular traffic on the PROW link between North Dane Way and the main part of the site, should it be required
- xix. Contribution of **£10,000** towards the Councils costs of advertising and administering any traffic regulation order required for removing horses and motorising vehicles from parts of the public right of way network, should it be required.

B The imposition of the following conditions 1 to 58 as set out in the report.

250 Planning application - MC/24/1145 24 Broadwood Road, Chattenden, Rochester, Medway ME3 8LU

Discussion:

Councillor Pearce withdrew from the meeting to speak as Ward Councillor.

The Service Manager - Development Management outlined the application in detail for a retrospective application for the construction of a barn/workshop.

With the agreement of the Committee, Councillor Pearce addressed the Committee as Ward Councillor and outlined the following points:

- The applicant was a local resident and not a faceless developer.
- Agreed with the condition to remove the porch which would reduce the scale of the development and supported the condition that stated the development could not be used for non-business use.
- Although it seemed a large structure, it was not significantly overbearing.
- He was unhappy that this was a retrospective planning application, however, Members must consider it as though it was a fresh application and determine it on its own merits.
- He expressed concern that if this planning application was approved, others may follow suit.

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

The Service Manager - Development Management explained following a question from a member regarding the comment from the Dickens Country Protection Society that the size of the building was excessive, and they did not

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believe the location of the outbuilding was suitable for commercial use, that the purpose of condition 2 to remove the excessive porch and condition 3 to prevent commercial uses which would address those concerns.

Members stated they did not like retrospective planning applications and that permission should be sought before the work began.

Decision:

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

Councillor Pearce returned to the meeting as a Committee Member.

251 Planning application - MC/24/0710 46 Cloisterham Road, Rochester, Medway ME1 2BW

Discussion:

The Planner outlined the application for the construction of a two-storey extension to the rear and explained that a full presentation was given at the previous planning committee meeting and a site visit had been arranged and details of that visit were covered within the report.

Members felt the site visit was beneficial and assisted their consideration of the planning issues.

Decision:

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

252 Planning application - MC/23/2793 63 Woodlands Road, Gillingham, Medway ME7 2DU

Discussion:

The Service Manager - Development Management outlined the application in detail for the construction of a detached block comprising of seven studio flats.

The Service Manager – Development Management explained that the applicant had raised the cill level of the rooflights to 1.8 metres above floor level and the typical cill level would normally be 1.7 metres, so it was above what was normally required in order to secure privacy.

This development would provide no actual parking spaces however residents could utilise on-street parking. It was approximately a 20 minute walk from the train station and the size of the units were relatively small studio flats which would be less likely to be occupied by more than one person and would indeed lower the likelihood of car ownership.

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The Committee considered the application noting there was a lack of outside provision, which they were concerned with. The Service Manager – Development Management confirmed that a secure cycle storage area and a large bin storage would be provided. He explained that the site was very constrained and, therefore, there were no outdoor amenity space provided as part of the development.

Members were concerned with the overbearing nature of the development for residents on Woodlands Road, the Service Manager – Development Management outlined that the proposed building was set off the boundary with the property facing Woodlands Road to ensure the separation distance did not result in an overbearing nature or loss of outlook. Concern was again raised regarding privacy and the Service Manager – Development Management outlined the height of the second floor windows, the cill levels could not be looked out of, as they were 1.8 metres high. With regards to the windows facing Woodlands Road, the two closest windows were the communal stairway, the next two were bathrooms and then finally the bedrooms.

Following a question from a Member, the Service Manager – Development Management clarified that lifting the height of the windows did not affect the fire regulations, as these would be secondary windows and the front windows would be the main way of escape and were larger.

An informative would be added for the applicant to liaise with Southern Water regarding the existing foul sewage, however, the applicant had confirmed that the pipework was not in the position that Southern Water understood it to be.

The officers' recommendation was overturned and the application was subsequently refused on the grounds of the lack of parking and no outdoor space.

Decision:

Refused due to the loss of the existing parking area and lack of parking for the proposed flats and the lack of private outdoor space.

Final wording to be agreed with the Services Manager – Development Management, Chairperson, Vice Chairperson and Opposition Spokespersons.

253 Performance Report 1 April to 30 June 2024

Discussion:

The Committee received a report setting out performance for the period 1 April to 30 June 2024.

The Chief Planning Officer drew Members' attention to Appendices A to I in the report. During 1 April to 30 June 2024, 263 planning applications were received with 87.5% of major applications being determined within 13 weeks or

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within the agreed timeframe and 98% of minor applications were determined within 8 weeks. Medway had exceeded the national target and national average for the determination of planning applications.

Although there were still vacancies for a Planner, Conservation Officer and a Senior Conservation Officer, a Landscape Officer and a second Tree Officer had been appointed. A Principal Project and Programme Planning Policy Officer, Derelict and Empty Properties Officer and Flood Officer were being advertised and the service were still employing specialist consultants covering consideration of Tree Preservation Orders (TPO), conservation matters and other planning applications.

The Chief Planning Officer drew Members' attention to the Open Digital Planning project which was a new online process helping residents determine whether they required planning permission and so far 110,000 people had used the system with a 96% success rate. In addition, the service launched its online report a breach tool on 1 July 2024 and within one month the number of reports classed as invalid reduced by 23% allowing officers more time to deal with valid planning applications. Medway Council was one of four Councils using this new tool.

Members, at a later date, would be given a presentation on the National Planning Policy Framework (NPPF) which was revised by the previous Government in December 2023 and was now being revised by the new Government. The NPPF would set out the Government's planning policies and how they would be expected to be applied.

A number of compliments had been received and were set out on page 122 and 123 of the report.

Members extended their thanks to the Chief Planning Officer and his team for all their hard work and acknowledged the amount of work that went into producing the results shown.

The Chief Planning Officer confirmed that with the recent changes made to the Scheme of Delegation, at least 90% of planning application were now being determined through delegated authority.

Decision:

The Committee noted the report and requested that the Chief Planning Officer express the Committee's appreciation for the levels of achievement to his staff within the Planning Service.

254 Report on Appeal Decision 1 April 2024 to 30 June 2024

Discussion:

The Chief Planning Officer gave a summary of the appeal decisions referred to in appendix A to the report.

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Members thanked the Chief Planning Officer and his officers for all their hard work on appeal decisions and enforcement notices.

Decision:

The Committee noted the report.

Chairperson

Date:

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