

Medway Council
Planning Committee
Wednesday, 20 November 2024
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: Stamp (Chairperson), Jones (Vice-Chairperson), Anang, Bowen, Etheridge, Field, Filmer, Gilbourne, Gulvin, Hamilton, Myton, Peake and Pearce

Substitutes: Councillors:
Browne (Substitute for Hamandishe)

In Attendance: Councillor Alex Paterson, Portfolio Holder for Community Safety, Highways and Enforcement
Councillor Chris Spalding
Duncan Berntsen, Senior Urban Design Officer
Julie Francis-Beard, Democratic Services Officer
Dave Harris, Chief Planning Officer
Peter Hockney, DM Manager
Madeline Mead, Principal Planner
Nick Roberts, Principal Planner
Joanna Horne, Lawyer
George Stow, Highways Consultant
Tom Stubbs, Senior Planner

420 Apologies for absence

Apologies for absence were received from Councillors Barrett and Hamandishe.

421 Record of meeting

The record of the meeting held on 23 October 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 382 – Planning Application MC/23/0685 20 Broom Hill Road and to the rear, Strood, Rochester, ME2 3LE

The decision taken by Planning Committee on 23 October 2024, as set out in the minutes, were:

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Refused due to its size, scale, flat roof design and quantum of development would represent overdevelopment of the site contrary to the prevailing pattern, grain and character of the area, which would result in significant harm to the character and appearance of the surrounding area contrary to policies BNE1 and H9 of the Medway Local Plan (2003) and paragraphs 131 and 135 of the National Planning Policy Framework (2023).

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

The final agreed reason for refusal was:-

The proposed development due to its size, scale, flat roof design and quantum of development would represent overdevelopment of the site contrary to the prevailing pattern, grain and character of the area, which would result in significant harm to the character and appearance of the surrounding area contrary to policies BNE1 and H9 of the Medway Local Plan (2003) and paragraphs 131 and 135 of the National Planning Policy Framework (2023).

422 Urgent matters by reason of special circumstances

There were none.

423 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 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.

Councillor Paterson, whilst speaking as a Ward Councillor on agenda item 6, MC/24/1613 Ironmonger Yard, Rochester, Medway, ME1 1NG stated he was a Trustee of the Intra Community Trust, which dealt with land heading east from Star Hill.

424 Planning application - MC/23/2753 Land to the rear of Fenn House Farm, Fenn Street, St Mary Hoo, Rochester, Medway ME3 8QT

Discussion:

The Principal Planner discussed in detail an outline application with all matters reserved for the construction of 3 x self-build dwellings with associated parking and amenity space.

The Principal Planner brought Members' attention to the supplementary agenda advice sheet which stated, under the Planning Appraisal, that any reference to Area of Local Landscape Importance (ALLI) should be Special Landscape Area (SLA).

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

- The original outline planning application was for 4 small, detached dwellings with all matters reserved including access, this outline application had the same wording except this application was for 3 larger dwellings. This should have been considered as a new planning application.
- A number of objections had been raised against the planning application and concerns expressed regarding access, especially as the access was positioned on the corner close to the roundabout at Fenn Street. This would be another car dominated scheme in the area and no S106 contributions were referenced to improve public transport.
- On the plans, there were no facilities for septic tanks, emptying facilities and no mains sewage were shown.
- If the application was approved, could a further condition be added stating that all reserved matters, especially access, would be brought back to the Planning Committee for determination rather than being determined by delegated powers.

The Committee discussed the planning application noting the points raised by the Ward Councillor and acknowledged this was a better development than the previous planning application and were pleased to see three self-build dwellings being proposed.

In response to the concerns raised, the Principal Planner and the Highways Consultant clarified there were no concerns regarding the access onto Fenn Street.

Decision:

Approved subject to:

- a) The applicant entering into a Unilateral Undertaking to secure the dwelling as self-builds.

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- b) The imposition of conditions 1 to 29 as set out in the report for the reasons stated in the report.

425 Planning application - MC/24/1613 Ironmonger Yard, Rochester, Medway, ME1 1NG

Discussion:

The Senior Planner outlined the application in detail for a residential-led mixed use development comprising of residential units (Class C3) and commercial/community floorspace (Classes E and F) together with vehicular access off High Street and Bardell Terrace, vehicle (including on site and on street spaces), cycle parking provision, private amenity space, landscaping, engineering works, public realm, and associated works.

The Senior Planner brought Members' attention to the supplementary agenda advice sheet which stated amendments to conditions 17, 32 and 37.

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

- Objections from residents were raised which included massing and the height and scale of the development.
- Concerns were raised regarding the loss of views of Rochester Cathedral and Rochester Castle.
- The 4-way crossing would be the beating heart of this development, and it was important to get the crossing right.
- Once details of the wayfinding and interpretation of the scheme were submitted, as referenced in condition 36, could the relevant Ward Councillors be consulted.

The Committee discussed the application in detail and Members were pleased to acknowledge that the developer had taken account of Members concerns, that had been discussed at various meetings they had attended, with this revised plan. Members were in favour of the reduction of massing and the improvements to public spaces.

Concerns were raised that the 4-way junction would cost approximately £1 million, however, the S106 contribution was only a fifth of that total amount. The remainder of the works would need to be funded from other future developments in the area. This would be a complex junction and if the total funding could not be secured then the developer would build out a more scaled back crossing.

The Senior Planner explained that the public realm and open spaces would be maintained by the management company on site and future maintenance fees would be covered within the rental costs. Medway Council would not have to adopt these areas as they would be covered within the development.

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The Senior Planner clarified that a viability assessment had been submitted and it demonstrated that although the scheme was not viable for affordable housing, the applicant had agreed to provide 10% affordable housing.

Decision:

Approved to grant delegated powers to approve, subject to the resolution of the remaining highway/parking negotiations to the satisfaction of the Chief Planning Officer (including any required additions or amendments to relevant conditions or clauses in the Section 106) and the completion of a Section 106 and subject to the conditions in the agenda.

A. Section 106 agreement to secure the following:

- i. £97,167.92 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.
- ii. The provision of 10% affordable housing.
- iii. £200,000 towards the wider Star Hill Junction improvements
Or
Provision of lesser junction works under s278 works up to the same value.

B. With conditions 1 to 47 as set out in the report for the reasons stated in the report, with amendments to conditions 17, 32 and 37 as follows:

Amendment to Condition 17

No development shall take place above slab level within a phase or sub-phase until a scheme of acoustic protection against transport noise within that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically attenuated mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure that some areas of amenity/garden achieve a noise level of 55dB (LAeq,T). The development shall be implemented in accordance with the relevant approved details prior within each phase or sub-phase to the occupation of any part of that phase or sub-phase to which the approved details relate and shall thereafter be retained.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Amendment to Condition 32

Prior to the occupation of the use class E/F unit a scheme to minimise the transmission of noise from the use of the premises, shall be

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submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L_{Ar,Tr}) emitted from the development shall be at least 10dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Amendment to Condition 37

A scheme of sound insulation shall be presented to the Council to demonstrate that noise intrusion levels to the apartments above do not exceed 17 dB LAeq (5 minutes) at any time.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

426 Planning application - MC/24/1033 Former St John Fisher RC Comprehensive School, Ordnance Street, Chatham, Medway ME4 6SG

Discussion:

The Principal Planner outlined the application in detail for the demolition of the existing buildings and construction of 139 dwellings (Class C3) together with associated public open space, landscaping and biodiversity areas, parking, access and associated works.

The Principal Planner brought Members' attention to the supplementary agenda advice sheet which added a new condition 19 and re-numbered the subsequent conditions 20-36.

The Committee discussed the application in detail and Members were pleased to see more family units being provided, however, they would have liked to see more affordable housing being provided within this development.

The Principal Planner advised Members that the whole site would be accessible to allow residents and visitors to access both sections of the site.

Members acknowledged Sport England's objection to the loss of an existing playing field, however, Members stated that the current playing field was not accessible to the public and the new school site had provided additional sports facilities that would be accessible.

The Principal Planner explained that under condition 34 in the report, the dwellings would remain as single-family homes which fall within Class C3 and

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no change to C4 should be carried out without a separate planning application being submitted.

The Chief Planning Officer informed Members that to limit carparking on site and encourage the use of public transport, travel vouchers would be offered to each household.

The Principal Planner clarified that secure bin stores would be provided further details of which would be secured via a condition, and the Council would collect the waste. A S106 contribution would cover the provision of waste and recycling services for the development.

Decision:

Approved subject to:

- A. Referral to the Secretary of State in view of Sport England's objection.
- B. The applicant entering into a Section 106 agreement to secure the following:
 - a) To allocate 5 units (3 bed, 5 person units) from the total number of proposed housing units within the development as affordable private rent.
 - b) An obligation to operate all 139 housing units under a Build to Rent scheme in perpetuity.
 - c) Financial contributions as follows.
 - i) £45,629.53 towards Designated Habitats Mitigation.
 - ii) £20,850 for the provision of travel vouchers to be issued to each dwelling to the value of £150 per voucher per dwelling.
 - iii) £32,156.26 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
 - iv) £90,325.42 towards mitigating the impact of the additional pupils generated by the development on Primary Education.
 - v) £11,038.79 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.

And the following conditions 1 to 35 as set out in the report with an additional condition, 19, and the re-numbering of subsequent conditions 20-36.

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Condition 19

Prior to its installation a plan showing the details of the proposed pedestrian footway and cycleway to and from the development site from Boundary Road shall be submitted to and approved in writing by the Local Planning Authority. Where applicable details shall include proposed surfacing arrangements, soft landscape works, lighting, bollards and kerb details where it adjoins Boundary Road. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory, and the development deliver on sustainability in accordance with Policies BNE1, T3 and T4 of the Medway Local Plan 2003.

427 Performance Report 1 July 2024 to 30 September 2024

Discussion:

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

The Chief Planning Officer stated that although there were no statutory figures for appeals, if the Council were to lose on appeal more than 10% of the total number of planning applications, the Council could be put into special measures. Medway Council received twelve appeal decisions between July and September 2024.

A number of compliments had been received and were set out on pages 156-157 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 and congratulated them on successfully retaining their ISO 9001:2015 accreditation.

In response to a concern raised, the Chief Planning Officer clarified the information set out on page 135 paragraph 4.14 of the agenda regarding the overturning of an officer's recommendation which should be rare and infrequent. He stated that the Planning Committee had previously agreed to amendments to delegated powers and that the majority of applications were delegated. The remainder then came to this Planning Committee for determination. The Chief Planning Officer confirmed that the Planning Committee did not overturn planning applications lightly.

The Chief Planning Officer explained that in 2022/23 there had been a slight downturn in the number of units under construction and number of units completed, however, those figures were now increasing. The figures showed Medway were averaging 1,000 homes per year, however, this was still well below the housing need target of over 1,600 dwellings per year.

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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.

428 Report on Appeal Decisions 1 July 2024 to 30 September 2024

Discussion:

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

Decision:

The Committee noted the report.

429 Report on Section 106 Agreements 1 July to 30 September 2024

Discussion:

The Chief Planning Officer gave a summary of the amount of S106 funding received and agreements signed from 1 July to 30 September 2024 and referred to Appendix 1 to 3 in the report.

The Chief Planning Officer expressed his thanks to the S106 Officers and the Legal Officer for all their hard work in the allocation of S106 funds.

A Member requested that the £38,1574.55 S106 allocation towards sustainable transport for MC/21/2612 The Hollies and Southview, Sharnal Street, High Halstow be spent specifically in that area to improve the bus stop and footpaths.

Decision:

The Committee noted the report.

430 Exclusion of the press and public

Decision:

The Committee agreed to exclude the press and public from the meeting during consideration of agenda item 12 (Planning Enforcement Report) 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 6 (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.

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431 Planning Enforcement Report

Discussion:

The Chief Planning Officer gave a summary of the planning enforcement proceedings referred to in appendix A to the report.

Decision:

The Committee noted the report.

Chairperson

Date:

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